

Case SPELL-004C



*Handwritten:* #1/2 Pre 2/14/02 V. Hart

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Earl J. Votolato )

Serial No.: 10/010,158 )

Filed: November 13, 2001 )

For: BAG SLITTING  
APPARATUS )

Group No.: 3724

Examiner: T. Druan

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PRELIMINARY AMENDMENT

Box Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir/Madam:

The present application is a continuation of 09/607,477, now abandoned. A final Office Action was issued on the parent application (09/607,477) on September 7, 2001. The following Preliminary Amendment and remarks that follow are responsive to the final Office Action in the parent application.

In the Specification:

Please replace the paragraph beginning at page 4, line 19 with the following rewritten paragraph:

--Figure 4 illustrates a second embodiment of a bag slitting apparatus 40 whose construction is identical to that described above for the embodiment of Figures 1-3 except for having a separate

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“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

**In the Specification:**

Paragraph beginning at line 19 of page 4 has been amended as follows:

Figure 4 illustrates a second embodiment of a bag slitting apparatus 40 whose construction is identical to that described above for the embodiment of Figures 1-3 except for having a separate blade 42 fabricated of metal such as steel. The blade 42 is accommodated within, and has a tip 44 projecting from, a housing 46 protruding from the first inner surface 16a. The entire apparatus 40, except for the blade 42, is fabricated as a single piece of rigid plastic. Retention of the blade ~~40~~42 within the housing 46 is accomplished by friction fit and/or adhesive as known in the art.

**In the Claims:**

Claim 1 has been amended as follows:

1. (Twice Amended) A bag slitting apparatus for opening a sealed bag along an edge of said bag, the apparatus comprising a first arm having a first outer surface and a first inner surface, a second arm having a second outer surface and a second inner surface, wherein said first and second arms are biased and in tensioned movable opposed relationship to each other such that the first and second inner surfaces are movably positionable against each other and wherein one of said inner surfaces is a bladed inner surface having projecting therefrom a bag cutting blade with a distal blade tip and wherein the other of said inner surfaces has a transverse laterally-open concave groove there across for receiving therein the blade tip and a continuously moving bag edge, and additionally wherein the first and second outer surfaces are concavely contoured for simultaneous opposing receipt of a finger and thumb of a user.



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/010,158	
	<b>Filing Date</b>	11/13/2001	
	<b>First Named Inventor</b>	Earl J. Votolato	
	<b>Group Art Unit</b>	3724	
	<b>Examiner Name</b>	T. Draun	
<b>Total Number of Pages in This Submission</b>	6	<b>Attorney Docket Number</b>	SPELL-004C

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<b>Firm or Individual name</b>	Kit M. Stetina STETINA BRUNDA GARRED & BRUCKER
<b>Signature</b>	
<b>Date</b>	01/04/2002

<b>CERTIFICATE OF MAILING</b>			
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